



# The Gazette of Meghalaya

EXTRAORDINARY

PUBLISHED BY AUTHORITY

No. 191

Shillong, Monday, May 13, 2019

23<sup>rd</sup> Vaisakha, 1941 (S. E.)

## PART-IIA

GOVERNMENT OF MEGHALAYA

MEGHALAYA STATE LEGAL SERVICES AUTHORITY, SHILLONG

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### NOTIFICATION

The 10<sup>th</sup> May, 2019.

**No.MSLSA.11/2000/149.** - In exercise of the powers conferred by Section 29A of the Legal Services Authorities Act, 1987 (Act No. 39 of 1989) as amended, the Meghalaya State Legal Services Authority, herewith make the following regulations further to amend the Meghalaya State Legal Services Authority, Regulations, 2000 namely, -

1. **Short title and commencement.** - (1) These regulations may be called the Meghalaya State Legal Services Authority (Amendment) Regulations, 2019.

(2) They shall come into force at once.

2. **Addition in Regulation 2(1).** - After clause (d) of the existing Regulation 2(1) of the Meghalaya State Legal Services Authority Regulations, 2000 (hereinafter referred to as "the principal regulation"), a new clause (e) shall be added, namely, -

"(e) "Schedule" means the schedule appended to these Regulations."

3. **Amendment of Regulation 18.** - In the existing Regulation 18 of the principal Regulation, for the existing Regulation 18, the following new Regulation shall be substituted namely, -

**"18. Honorarium and Fees payable to legal practitioners on panel:-**

- (1) Subject to the approval of the State Authority, the Legal Services Authority/Legal Services Committee shall prepare a panel of legal practitioners who are prepared to represent or prosecute the case on behalf of the Legal aided person under these regulations. The legal practitioners on the panel shall be paid honorarium as may be fixed by State Legal Services Authority in the Schedule I, II, III and IV appended to these regulations.
  - (2) No legal practitioner to whom any case is assigned either for legal advice or for legal aid shall receive any fee or remuneration whether in cash or in kind or in other advantages, monetary otherwise, from the aided person or from any other person on his behalf.
  - (3) The legal practitioner on the Panel, who has completed his assignment, shall submit statement showing the honorarium due to him in connection with the legal proceeding conducted by him on behalf of the legally aided person to the Secretary of the Authority Committee who shall, with the approval of the Chairman and after due scrutiny and counter signature, place before the Authority or Committee who shall, with the approval of the Chairman and after due scrutiny and counter signature, place before the Authority or Committee for sanction and on such sanction being given by the Authority or Committee the amount shall be paid by the Secretary to the Legal practitioner. It shall, however, be open to the legal practitioner to waive the honorarium in whole or in part.
  - (4) Notwithstanding anything contained in these regulations, the court may, in any case in which no legal practitioner on the panel has been engaged, direct engagement of any other practitioners as it may deem appropriate and, in every such case –
    - (a) it shall be the duty of the legal practitioner so engaged to inform the fact of his engagement to the concerned Authority or Committee; and
    - (b) the provisions of this regulation shall apply to such legal practitioner as they apply to a legal practitioner on the panel.”
5. **Addition of Schedule.** – After the existing Regulation 43 of the principal Regulation, a new Scheduled I, II, III and IV shall be added as follows, namely, -

**"SCHEDULE – I**  
**[See regulation 18 (1)]**

Details of fees honorarium paid to the Panel Lawyers or Lawyer engaged by the SLSA/DLSA/HCLSC in connection with legal aid cases and legal advice

**FEES HONORARIUM PAYABLE TO THE PANEL LAWYER IN HIGH COURT AND DISTRICT COURTS IN MEGHALAYA.**

Panel Lawyer or Legal Aid Counsels engaged out of the panel as prepared for defending/protecting legal interest of a person granted free and competent legal services/legal aid in High Court, shall be entitled to the fee as under:

**PART – I**  
**IN HIGH COURT**

<b>Sl. No.</b>	<b>Description of work</b>	<b>Fee Payable to Advocates</b>
1.	Appearance	Rs. 1, 000/- per effective hearing and Rs. 750/- for non effecting hearing subject to maximum of Rs. 10,000/- (per case).
2	Drafting of substantive pleading such as Writ Petition, Counter Affidavit, Memo of Appeal, Revision, Reply, Rejoinder, Replication	Rs. 1, 500/-.
3	Drafting of Miscellaneous applications such as stay, bail, directions, exemption etc.	Rs. 500/- per application subject to maximum of Rs. 1,000/- for all applications.

**Miscellaneous Expenses:**

1.	Typing	Rs. 15/- per page
2.	Photocopy	Rs. 2/- photocopy (per page)
3.	Clerkage	Rs. 2000/- per case payable at the final disposal of the case and supported by producing a copy of the final judgement/order.

**PART II**  
**FOR DISTRICT COURTS INCLUDING DISTRICT COUNCIL COURTS**

<b>Sl. No.</b>	<b>Description of Cases</b>	<b>Fee Payable to Advocates</b>
1.	Appearance	Rs. 750/- per effective hearing and Rs. 500/- for non effective hearing subject to a maximum of Rs. 7,500/- (per case).
2.	For appearing in any Court located outside his/her Headquarter station	Rs. 1200/- per day for his/her absence from the headquarters irrespective of the number and kind of cases heard or adjourned on that day.
3.	Drafting of substantive pleading such as Suit, Matrimonial Proceedings such as Divorce, Maintenance, Custody, Restitution etc., Succession, Probate, Memo of Appeal, Revision, Written Statement, Reply, Rejoinder, Replication etc.	Rs.1, 200/-.
4	Drafting of Miscellaneous application such as stay, bail, direction, exemption etc.	Rs. 400/- per application subject to maximum of Rs. 800/- for all applications.
5	Front Office	The retainer fee for front office lawyers shall be Rs. 1000/- (one thousand Rupees only) per month in addition to the Payment of Rs. 500/- (five hundred only) per day being presently released as per NALSA guidelines.

<b>Miscellaneous expenses:</b>		
<b>1.</b>	Typing Charges	Rs. 15/- per page
<b>2.</b>	Photocopy	Rs. 2/- photocopy per page.
<b>3.</b>	Clerkage	Rs. 1000/- per case payable at the final disposal of the case and supported by producing a copy of the final judgement/order.

**SCHEDULE – II**  
**[See regulation 18 (1)]**

**FEES PAYABLE TO THE LEGAL AID COUNSEL IN REVENUE COURTS, TRIBUNAL AND OTHER COURTS**

Advocates engaged out of the panel as prepared for defending/ protecting legal interest of a person's granted free and competent services / legal aid in revenue Courts, Tribunals and other court, shall be entitled to the fee as under:

**PART – 1**

**FOR REVENUE COURTS**

1.	Revenue Courts (including Revenue Board, Commissioner, Collector)	Rs. 1000/- per case
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**PART – II**

**FOR TRIBUNALS AND OTHER COURTS**

1.	State Consumer Dispute Redressal Commission	Rs. 2000/- per case
2.	Labour Courts	Rs. 1000/- per case
3.	District Consumers Redressal Forum	Rs. 1000/- per case

**SCHEDULE – III**  
**[See regulation 18 (1)]**

**THE RATES OF FEES AND HONORARIUM PAYABLE TO PANEL LAWYER ON DEPUTATION TO VISIT LEGAL AID CLINIC/LEGAL CARE AND SERVICE CENTRE/ JAILS/POLICE STATION ETC.**

Sl. No.	Description	Fee Payable to Advocates
1.	Jail Visit by the Panel Lawyer	Rs. 500/- per visit, subject to maximum of two hours interaction with the inmates. Payment will be on the basis of proof of attendance and a brief report of work done.
2.	Centre Visit and visit on Mobile Lok Adalat Van cum Legal Services Van	Rs. 500/- per visit
3.	Visit to Rape Victims by a Legal Aid Counsel or any person appointed by MSLSA/DLSA	Rs. 600/- per visit including conveyance on submission of reports.
4.	Visit to Observation Homes for Boys and Girls	Rs. 500/- per visit, Payment will be on the basis of proof of attendance and work done.
5.	Panel Lawyers attending legal services programmes except attending training programmes of State Authority, District Authority such as training, workshop, symposium, seminars, meetings, TV/AIR programmes etc.	TA @ Rs. 8.60 paise per kilometres, except when transportation is being arranged by the MSLSA/DLSA.
6.	Honorarium to Panel Lawyers deputed for visiting Police Stations	Rs. 500/- per visit
7.	Legal notice with prior approval of Member Secretary/ Secy., DLSA.	Rs. 400/- per notice.
8.	Legal Opinion	Rs. 400/- per case.

**TRAVELLING EXPENSES:**

Panel Lawyers travelling outside his/her headquarter station for attending legal aid cases before the trial Court or Legal Services programme shall be entitled to uniform travelling allowance @ Rs. 8.60 paise per kms. irrespective of the type of vehicle used.

**SCHEDULE – IV**  
**[See regulation 18 (1)]**

**GENERAL CONDITIONS/INSTRUCTIONS/GUIDELINES FOR SUBMISSION OF BILLS:**

1. Costs awarded by the Court in favour of the legal aid beneficiary will be paid to the Meghalaya State Legal Services Authority.
2. Court fee will be realized, if the Court so directs on disposal of a petition by an indigent person.
3. The panel lawyers should submit their claim on quarterly basis ending June, September, December, and March of the Calendar Year.
4. Payment will be made to each Panel Lawyer on Quarterly basis.
5. In respect of the payment of the fees mentioned hereinabove, the Advocate will be required to submit copies of attendance of effective hearing, copies of pleadings, petitions, applications, etc. draft for claiming the drafting fee, list of proceedings for appearance, copies of evidence recorded, copy of notice or charge as applicable, orders on the application for interim maintenance, orders in respect of various misc. applications or petitions (where applicable) and the copies of the judgment or order in final disposal.
6. Fees payable in any case not covered in the schedule specifically shall be at the discretion of the Member Secretary, on the approval of the Hon'ble Executive Chairman whose decision shall be final.
7. In the event of any doubt or difference of opinion regarding the honorarium payable, the decision of the **Hon'ble Executive Chairman** shall be final and binding.
8. A Certificate to the effect that he/she attended the court on effective hearings, expenses of court fee stamps, typing charges and other incidental charges may be obtained from the Concerned Court.
9. In bail matters, bill should be submitted with the following details/documents.
  - (i) Showing the date of hearing duly supported by application for bail and decision thereto.
  - (ii) Name of Court and name of the accused.
10. No payment will be made against unsigned bills referred by Legal Aid Counsel. In respect of cases marked by the District Authority, the bill will be forwarded through the concerned District Authority. A Certificate to the effect that no claim has been made before be mentioned in the bill by the concerned Legal Aid Counsel.
11. For jail visits & remand work, a certificate of attendance from the concerned authorities is required with bill.

12. The months, with dates of visiting Jail/ Centre are required to be mentioned
13. The bill should preferably be filed on or before the 7th day of the month.
14. The Learned Counsels on the panel shall visit Jail, Juvenile Homes, Police Station of the respective Districts empanelled by the State Authority/District Authority once every quarter.
15. The learned Counsels shall prepare a report of such visit and also submit their claim honorarium for the purpose.
16. For the purpose of effective and efficient discharging of duties of a Legal Aid Counsel the following procedures shall be followed by the Panel Lawyers.
  1. Regarding Court Fees                      The amount required for Court Fees at the time of beginning a case should be obtained by the Counsel in advance from the Office of the State Authority or District Authorities.
17. Actual incidental expenditure by the Panel Lawyer will be reimbursed provided it is supported by the vouchers and a Certificate to that effect has been made by the Court concerned. If the incidental expenditure is not supported by the vouchers, the Member Secretary, State Legal Services Authority, Secretary HCLSC/DLSA/SDLSC may fix and reimburse a reasonable sum considering the approximate expenditure which might have occurred looking to the nature of the case.”

**W. DIENGDOH,**  
Member Secretary,  
Meghalaya State Legal Services Authority  
Shillong.